



~~November 16, 2006 CPC~~
~~December 13, 2006 BS~~
~~February 20, 2007 CPC~~
~~April 17, 2007 CPC~~
~~June 19, 2007 CPC~~
~~August 21, 2007 CPC~~
October 16, 2007 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0146
(AMENDED)

Wintervest, LLC

Midlothian Magisterial District
Watkins Elementary; Midlothian Middle; and Midlothian High Schools Attendance Zones
North line of Midlothian Turnpike, West of Winterfield Road

REQUEST: (AMENDED) Amendment of Conditional Use Planned Development (Case 03SN0316) relative to uses and development requirements.

PROPOSED LAND USE:

A mixed-use development consisting of office, commercial and residential uses is planned.

(NOTE: IN ORDER FOR THE COMMISSION TO CONSIDER THIS REQUEST AT THEIR OCTOBER PUBLIC HEARING, A \$250.00 DEFERRAL FEE MUST BE PAID.)

RECOMMENDATION

Recommend deferral. The applicant continues to work to revise the proffers and Textual Statement. Staff would note that the current proposal to allow residential uses on the request property does not comply with the Plan.

CASE HISTORY

Planning Commission Meeting (11/16/06):

Staff had recommended deferral of this request noting that the case, as filed, needed revisions to clarify intended uses, design guidelines, location of uses and to discuss issues related to compliance with the Comprehensive Plan and impacts on capital facilities. The applicant would not agree to a deferral.

Several persons were present in support of a deferral indicating that area citizens had not had sufficient time to evaluate the proposal.

Mr. Gecker indicated it to be unfair for the applicant to expect the Commission to use some of their deferral time when the case was clearly not ready for consideration. He indicated the core issue, however, is not the details of design, but whether or not the proposed residential uses on the western part of the property are appropriate and compliant with the Comprehensive Plan. He indicated that the original zoning allowed residential densities in excess of the Plan recommendation with the understanding that a mixed use development would occur. However, the current proposal now would allow encroachment of residential uses into the commercial core of the project. He stated, therefore, rather than expend a great amount of time developing the details under which residential would be appropriate, the Commission should first determine whether the proposed residential land uses are appropriate.

Messrs. Litton and Wilson indicated that they did not have sufficient information to arrive at a recommendation.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission recommended denial.

AYES: Messrs. Gecker and Bass.

ABSTENTION: Messrs. Wilson and Litton.

ABSENT: Mr. Gulley.

Applicant (12/1/06):

Revisions were submitted.

Board of Supervisors Meeting (12/13/06):

The application was amended. At the request of the applicant, the Board remanded the case to the Planning Commission.

Staff (12/15/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 18, 2006, for consideration at the Planning Commission's February 20, 2007, public hearing.

Also, the applicant was advised that a \$1,260.00 remand fee was due.

Applicant (1/22/07):

Revised proffers and amended plan were submitted.

Applicant (1/24/07):

The remand fee was paid.

Planning Commission Meeting (2/20/07):

At the request of the applicant, the Commission deferred this case to April 17, 2007.

Staff (2/21/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 26, 2007, for consideration at the Commission's April 17, 2007, public hearing.

Also, the applicant was advised that a \$500.00 deferral fee must be paid prior to the Commission's public hearing.

Staff (3/29/07):

To date, no new information has been submitted, nor has the deferral fee been paid.

Planning Commission Meeting (4/17/07):

At the request of the applicant, the Commission deferred this case to June 19, 2007.

Staff (4/18/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than April 23, 2007, for consideration at the Commission's June 17, 2007, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (5/1/07 and 5/17/07):

The \$500.00 and \$250.00 deferral fees were paid.

Staff (5/30/07):

To date, no new information has been submitted.

Planning Commission Meeting (6/19/07):

At the request of the applicant, the Commission deferred this case to August 21, 2007.

Staff (6/20/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than June 25, 2007, for consideration at the Commission's August 21, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (7/19/07):

The applicant paid the \$250.00 deferral fee. No new information has been submitted.

Planning Commission Meeting (8/21/07):

At the request of the applicant, the Commission deferred this case to October 16, 2007.

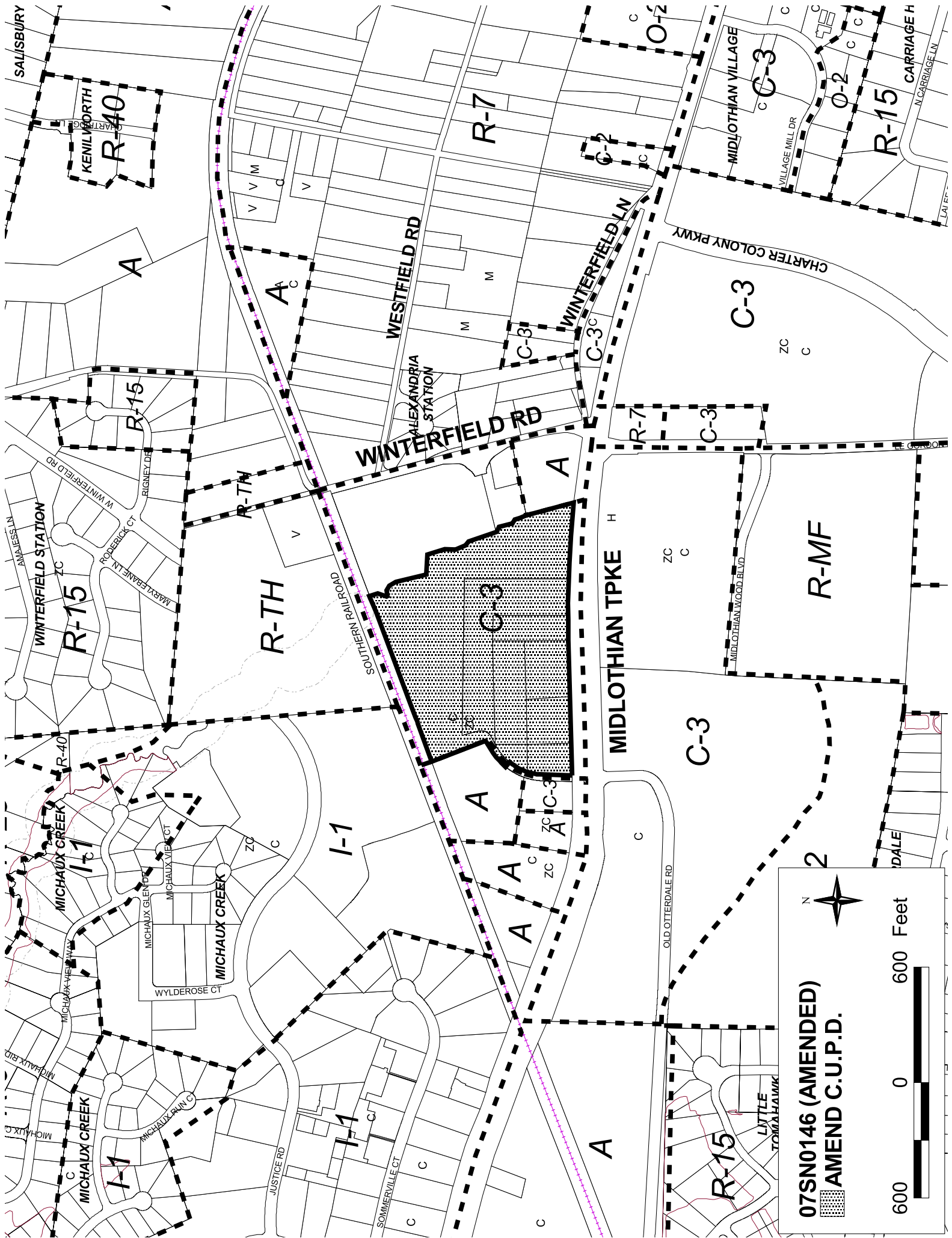
Staff (8/22/07):

The applicant was advised in writing that any significant new or revised information should be submitted no later than August 27, 2007, for consideration at the Commission's October 16, 2007, public hearing. Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (9/27/07):

To date, the applicant has not paid the \$250.00 deferral fee, nor has any new information been submitted.

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07SN0146 (AMENDED)
AMEND C.U.P.D.

